

A  
 REVIEW  
 OF THE  
 STATE  
 OF THE  
 BRITISH NATION.

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Thursday, January 27. 1709.

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I Am upon the examining, whether the French King has the same Encouragement to renew his Attempt of an Invasion upon Scotland as he had before, which is very positively affirm'd in a late Pamphlet call'd A SPEECH.

And because the Enquiry into this Affair is without doubt a most necessary Point, and even those, as the Speech says, *who differ about it, yet are all unanimous in this, that an Enquiry should be made*; I am persuaded, that Enquiry, whoever it may find Reason to Blame, and wherever that Blame shall lie, yet will in every Branch of it confute this Position; that the French King has such Encouragement from hence to renew that Attempt.

It the Boists and Insolence of the Jacobites are the Encouragements meant—We are perfectly unconcern'd in the Matter, we have nothing to do but to correct them, and let

them know, they are worth no other Concern than how to bring them decently to the G——ws.

What Encouragement some Gentlemen may give him by making as publick as they can our Weakness in every Part, and making it seem more than it really is, *I leave to themselves to determine*; such Men show their Good-Will to have the Enemy upon us again——Tho' I must tell them, those People that drew the King of France into that Attempt last Year, by telling him the backward Condition of our Navy *was such*, that it would be impossible for us to get any Number of Ships ready to prevent him—Ruin'd his Design, and sav'd Scotland——And I hope, those People, who by their Outcries of our Weakness now would encourage him to come again, shall be alike disappointed.

And

And this puts me upon reminding you of the Particulars; The *French King* depending upon his Intelligence of the incapable Posture of our Fleet—makes his Design publick, does not stick to declare it in all the Courts of *Europe*, and his Ministers talk of it as of a Thing that could not miscarry, nor indeed could it have miscarry'd, *humanly speaking*, had it been true as he was inform'd, (*viz.*) that our Navy could not be put in any Posture to oppose him; but when they found a superiour Force riding in their View, blocking them up in their very Port, and ready to follow upon their first Motion; it was rather a surprizing Thing to think they should get home again as safe as they did, than that they should fail in the Design.

But to come to an Enquiry into the other Part of the Invasion, that is into our Part of it, as I have said it is much easier to say an Enquiry should be made, than to agree upon the Method how it shall be made; so because I have had some Opportunities to hear and see into that Affair, more than every Body has had, I shall make a rough Essay at an Enquiry into this Matter, in which if I lay some Things naked, that have been industriously cover'd, and clear up some Things, that some place all the Weight of their Enquiry upon, perhaps it may assist those, whose Enquiries have Authority to go farther, than Without-Door-Observations can reach to.

And *First*, I think it is necessary to state the Business of the Enquiry its self, and lay down what it is we are to enquire into—— And this I'll place upon five Heads.

1. An Enquiry into the Encouragement *France* had from our Side to make such a bold Attempt.
2. An Enquiry into the Measures taken to meet with him, and prevent it.
3. An Enquiry into the Management of those employ'd in opposing the Attempt when made.
4. An Enquiry into the Measures taken to detect the Confederates of *France* among us, and the Reasons of the Deficiency of it.

5. An Enquiry into the present Condition *Scotland* is now in, or can be put in, to withstand another Invasion, if it should be attempted.

I believe, without any great Presumption I may say, that under these five Heads all may be spoken to, that can be enquir'd into of this Affair; and if this Enquiry could be made with Candour, without private Projects and Party-Designs, rather to blame and reproach, than detect and punish; every honest Man, let him be of what Party he will, would joya heartily in this Enquiry.

1. For the Encouragements *France* had, &c. I place these Encouragements as follows.

1. The Accounts he had of the Disaffection of the *Scots* in general, and that in two Heads. 1. The Disaffection of the *Jacobite* Party in Favour of their King, as they call him. 2. The Disaffection of the *Presbyterian* Party occasion'd by the Union, which they were represent'd to be universally dissatisfy'd with.
2. The formidable Strength of the *Jacobite* Interest in *Scotland*, and Assurances of his Troops being immediately join'd with great Numbers from the Hills, headed by some of the principal Nobility and Gentry in the Kingdom, some of which they had not the Assurance to name to the *French* only, but boldly talk'd of even in the Streets, insulted the Friends of the Government, with their Strength, Numbers and Readiness to act, as soon as the *French* should come on Shoar.
3. The weak Condition of *Scotland* it self to offer any Resistance to his Troops; this Weakness consisting, 1. In their Divisions among themselves, which being rais'd to a great Height at the Union, were not at all reconcil'd; 2. In the Weakness of the Forces left in that Kingdom, which did not amount to above 2500 Men, and these represent'd to be disaffected to the Government, and especially to the *English*.
3. The unsettled Posture of the Mil-



tia, the old Method of raising and training the fencible Men being lay'd down by the Union, and the *English* Method of settling the Militia, which was to be set on Foot in *Scotland*, not yet begun. Add to these the Want of Fortifications, Magazines, and all Warlike Provision, in short a general Nakedness of the Country.

4. The Distance of *English* Forces; and Backwardness of their Navy; of which above.

I believe, these Heads will include all the Encouragements on our side. I shall speak at large of them in my next.

## MISCELLANEA.

I Am now enter'd into the Preliminaries of the long Discourse I purpose to make about Trade; the Case of Insolvent Debtors being at present coming upon the Stage, and a Bill being order'd to be brought in for their Relief; I think it cannot be amiss to examin, what is the real Grievance of Trade in this Case, and from whence all the Clamour on both sides proceeds; then I shall look back and examin, what has or has not been done in the Case of Bankrupts and Creditors, which might have been done, or ought to have been done for the general ease of Commerce.

It is far from my Design, and they that expect otherwise of me will be very much mistaken, that this Paper should give any encouragement to Frauds and Barratry in Commerce, or that under pretence of Compassion to Debtors, I should expect, or plead so, as to have others expect, that as soon as Men become Bankrupts they should claim Exemption from their Creditors, and must not be prosecuted under pretence of Compassion, Charity, and pity to Families; I shall not call every Prosecution Cruelty, every Imprisonment Barbarity, every Execution Murder; perhaps I am not so clear in the request of a general Personal Liberty neither, as some think I am, and tho' I were lyable to the same Distress ten Thousand times more than I am, yet I must for ever grant, That the Power of attaching the Person of the Debtor in Actions of the Case, as we call them, or common Process, is the Foundation of that vast Personal Credit that is now given in the Nation.

This Personal Credit I also allow to be a very useful, and indeed necessary Branch of our Inland Commerce, and the Life of what I call the Circulation of Trade——

Not at all at the same time putting in one word for the *Petty-Credit*, I mention'd as first, I mean Credit for Food, Cloaths, Equipages, &c. which I say is the Shame of our Gentry, and the ruin of our Trade: But this Personal Credit, by which I understand Credit given by one Trading Man to another for Goods, to be sold again; this I say is the Life of our Inland Trade, and without it our Inland Trade could not be carried on to that height it is now at, no, not by Nineteen Parts in Twenty: To preserve this Personal Credit, it is absolutely necessary, that the Creditor have Power to attach the Person of the Debtor—— If I cannot touch his Person, I will not trust his Person; if I trust him it is thus: The Man has Credit in his Trade, he keeps a Shop, he must show himself there, he must keep up his Reputation; if he does not pay, he knows he cannot appear, he must not pretend to show his Face in the streets, stand behind his Compter, keep open his Warehouse, or walk the Exchange; and it cannot be worth his while to cheat me, or run in my Debt, at the expence of flying his Business or hiding his Head: And on this Score I trust him——

Now if my Power of touching his Body for my Debt is taken away, if he can walk the streets, stand behind his Compter, keep open his Shop, walk the Exchange, &c. and yet owe me Money, and refusing or delaying Payment, I cannot touch him——

What

What is the Consequence? I think the Consequence is plain, I won't trust him, I won't put my Goods in his hands.

Nor is it the Advantage of seizing his Goods in Execution, or his Person either, when the Suit at Law comes to extremity, an Equivalent for this, for it will not answer half the Ends of a Personal Arrest—— It is setting the Law with the Bottom upwards, and making the End of the Law stand at the Beginning; for an Execution executed is the End of the Law; nay, it would be worse for both Debtor and Creditor; it would be worse for the Debtor, for it would encrease Law-Suits, and make every Contest a long Cause; while the Debtor can upon easier Terms hold out, and hold up; he is tempted to struggle to the last, and then is undone without retrieve; whereas the little Distress of an Arrest, pinches him indeed at first, but he is thereby press'd to finish with his Creditor, and make as good Terms as he can get: And I doubt not but this way it may be made appear, that Personal Arrests recover many a Debt, and End many a Strife, which would otherwise be spun out to an unreasonable Length at Law, and weaken the Debtor more at last, as well as harass and perplex the Creditors, who sometimes may want the Money as much, as he that is to pay it.

But there occurs a Question here, which I foresee will be started, and which is actually brought into Play by the Petitions of some Prisoners, (*viz.*) we desire to be put upon an equal Foot with our new Brethren of North-Britain, who Trade without this Piece of Cruelty, and do not arrest in mean Process at all; and by the Union both sides are to enjoy equal Privileges.

I shall answer this very briefly, and yet directly in my next; and shew you that you are really better as you are, I mean, You Tradesmen, who are subject to those Arrests, and perhaps in Danger of them, even the worst of you, are better than you would be with all the Personal Liberty in Scotland; and this will lead me to examine the Medium between one and the other;

and to let you see, that it is not the mischief of Personal Attachments that is our Grievance in England, but as the Evil of every thing lyes in the Excess of it; it is the Creditor carrying his Prosecutions to the vile Extremities of Ruining, Starving, and I may say Murdering his Debtor; when he is or may be satisfied, that it is not in his Power to make Satisfaction, and that he shews himself willing to give up his All, and do his utmost to satisfy and discharge his Just Debts; and let any Man justify this that can.

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